

UNITED STATES FOR THE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MEDINA, :

Plaintiff, :

-against- :

WARDEN GONZALEZ, CAPTAIN MENGE, :
CAPTAIN S. GRAHAM, CAPTAIN BOYD, :
CORRECTION OFFICER S. TRAIL, :
CORRECTION OFFICER McDONALD, :
CORRECTION OFFICER M. LONNBORG, :
CORRECTION OFFICER BOWDEN, :
CORRECTION OFFICER JOHN DOE ONE, :
CORRECTION OFFICER JOHN DOE TWO, :
CORRECTION OFFICER JOHN DOE THREE, :
CAPTAIN JANE DOE, :

Defendants.

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ORDER

08 Civ. 01520 (BSJ)(KNF)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

In a writing dated May 5, 2009, the plaintiff contends: (1) he has not received from Correction Officers Trail or Boyd, answers to his interrogatories; (2) the answers to his interrogatories, provided by Correction Officers Bowden, McDonald, and Graham, are not responsive, are evasive, and refer the plaintiff to documents that do not contain the information sought; (3) the defendants have not produced New York City Department of Corrections (“DOC”) directives pertaining to the use of force, chemical agents and video cameras; (4) the defendants have not produced any color photographs taken either of the plaintiff’s or Correction Officer Boyd’s injuries; and (5) he seeks from the defendants photographs of “the correction officials working the day and [at the locations] of [the] incident to enable [the plaintiff] to identify those involved and present, and also the John Doe defendants.”

In response, the defendants maintain: (1) answers to the interrogatories directed to Correction Officers Boyd and Trail will be produced on or before May 15, 2009; (2) the

answers, to the plaintiff's interrogatories, made by Correction Officers Bowden, McDonald and Graham, were sufficient; (3) the Court's order dated May 12, 2009, denied the plaintiff's request for DOC directives pertaining to the use of force, chemical agents and video cameras; (4) a color photograph taken of Correction Officer Boyd, after the incident that gives rise to this action, has been discovered, and a copy will be produced to the plaintiff; and (5) the defendants objected previously to the plaintiff's request for photographs of correction officers working on the date of the incident on the following bases: such photographs are not likely to lead to the discovery of admissible evidence, this request is for confidential and privileged information and disclosure could constitute an invasion of privacy. Having considered the submissions of the parties,

IT IS HEREBY ORDERED, that, on or before June 1, 2009: (1) the defendants provide the Court, and serve the plaintiff, with a copy of the plaintiff's interrogatories and the answers made by Correction Officers Bowden, McDonald and Graham; and (2) the parties submit a writing to the Court, outlining the approximate number of correction officers that were working on June 30, 2006, in the "places of incident[(s)]," and specify the location(s) where the incident(s) occurred.

Dated: New York, New York
May 18, 2009

Mailed copies to:

Anthony Medina
Brian Christopher Francolla, Esq.

SO ORDERED:

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE